



August 18, 2020

VIA ELECTRONIC MAIL

Ms. Pamela Monroe
Site Evaluation Committee
21 South Fruit Street, Suite 10
Concord, NH 03301

**RE: DOCKET NO. 2015-02, ANTRIM WIND ENERGY LLC
SOUND MONITORING PROTOCOL**

Dear Ms. Monroe:

Attorney Needleman's letter of August 11 raises a number of interesting but disputed points which demonstrates that this is clearly a contested matter which should be properly adjudicated. However, one of his assertions can be settled without much debate.

Mr. Needleman maintains that Antrim Wind is unaware of any jurisdiction that has adopted regulations with such a "short compliance interval." In fact, the 1/8th second time interval for Leq measurements is essentially the same as the *shall-not-exceed* standard adopted by the committee in the Lempster Wind,ⁱ Groton Wind,ⁱⁱ and Antrim Wind Energyⁱⁱⁱ (2012) dockets.

The *shall-not-exceed* noise standard for wind turbines has been enacted in numerous other jurisdictions throughout the United States. A few examples include Dallas County IA, Gratiot County MI, Beaver and Denmark Townships in MI, Sweetwater and Albany Counties in WY, Jasper and Newton Counties in IN, Mason County KY, and Penn Forest Township PA. Also see Tennessee Code Ann. § 65-17-105 and Wisconsin Admin. Code § PSC 128.14(3).

I urge the Committee to schedule a tech session, an evidentiary hearing and a briefing schedule so that parties can respond appropriately. Litigating by letter of counsel is not the norm in New Hampshire or in SEC adjudicative matters. Thank you for the opportunity to respond.

Sincerely,

Lisa Linowes
for The Windaction Group

ⁱ Lempster Wind, LLC *Decision Issuing Certificate of Site And Facility With Conditions*, June 28, 2007 at 42. https://www.nhsec.nh.gov/projects/2006-01/documents/062807_decision.pdf Noise Condition: Audible sound from the project shall not exceed 55 dBA measured at 300 feet from any existing occupied building or at the property line if the property line is less than 300 feet from an existing occupied building.

ⁱⁱ Groton Wind, LLC *Order and Certificate of Site And Facility With Conditions*, May 6, 2011 at 5. <https://www.nhsec.nh.gov/projects/2010-01/documents/110506order.pdf>. Noise Condition: Further Ordered that the sound levels generated by the Project at the outside facades of homes should not exceed 55 dBA or 5 dBA greater than ambient, whichever is greater, in day time and 45 dBA or 5 dBA greater than ambient, whichever is greater, at night; and it is, Further Ordered that the sound levels generated by the Project shall not exceed 40 dBA or 5 dBA greater than ambient, whichever is greater as measured within current boundaries of the Baker River Campground presently owned and operated by Ms. Cheryl Lewis.

ⁱⁱⁱ Antrim Wind Energy, LLC *Decision and Order Denying Application For Certificate Of Site and Facility*, April 25, 2013 at 68. <https://www.nhsec.nh.gov/projects/2012-01/documents/130425decision.pdf>. Reaffirmed in *Order on Pending Motions*, September 10, 2013 at 6. <https://www.nhsec.nh.gov/projects/2012-01/documents/130910order.pdf> Noise Condition: 1) In the daytime, sound levels generated by the Facility at the outside façades of residences shall not exceed 45 dBA or 5 dBA above ambient, whichever is greater. For the purposes of these conditions, daytime is considered to begin each morning at 8 AM and conclude at 8 PM. All other time shall be considered to be the nighttime. 2) At nighttime, sound levels generated by the Facility shall not exceed 40 dBA or 5 dBA above ambient, whichever is greater.